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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,810	09/11/2003	Peter Gerrard	0112300-1633	7059
29159	7590	11/16/2006	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			RENDON, CHRISTIAN E	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/660,810		GERRARD ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Christian E. Rendón		3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/31/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Slot Machine with Multiple Award Paths.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 28, 40, and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The statement "the numbers of indicators associated with each of the award groups are randomly generated" is viewed as convoluted since three possible interpretations have come to mind during the evaluation of this application.

- a. "Numbers of indicators" can refer to the columns that are under each award display. Therefore, the whole sentence can imply that the column height can change randomly, but that is not possible since the area around the indicators was not claimed as a morph able object, like a visual display.
- b. "Award groups" can refer to the numbers that are displayed above the columns. Therefore, the whole sentence can imply that the award values are randomly selected, but that is not possible since the area around the awards was not claimed as a morph able object, like a visual display.

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- c. "Numbers of indicators" can also imply the values that are displayed by the indicator generator. Therefore, more than one value from the generator, which is chosen at random, can be associated with a column.

Since the explanation C is the most likely of all the possibilities, this will be the interpretation used during the evaluation of the claims on the merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

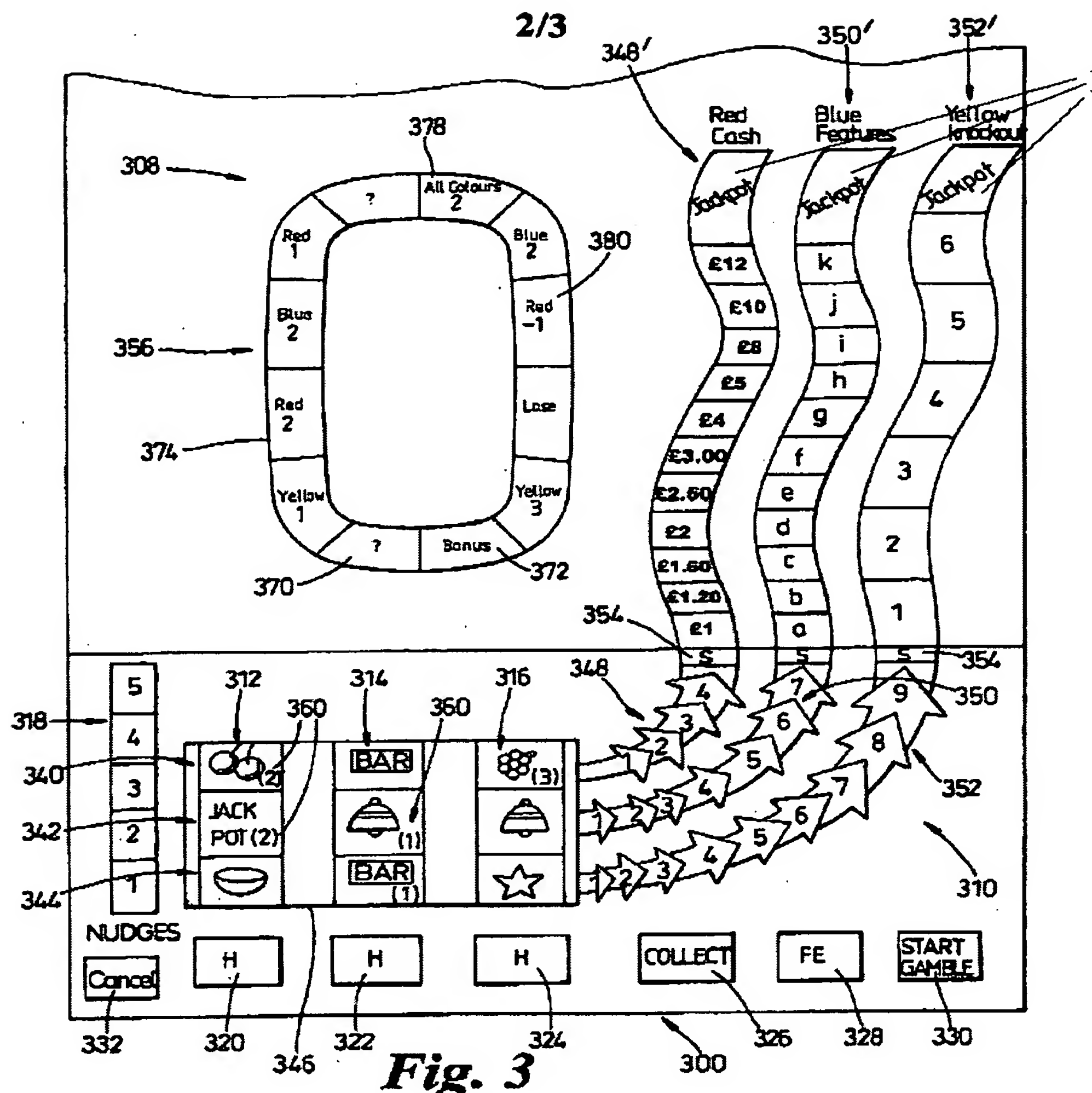
3. Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole (GB 2353128A) in view of Seelig (US 2003/0036418 A1). Referring to claims 1-4, 11-12, 14, 17-18, 25-26, 30, 37-38, 43-44, 51-52, the applicant claims a casino game comprising either a rotatable display or at least one reel that includes a mechanical wheel to represent an indicator generator that will randomly associate different numbers to each of the many award groups individually or as a group. An award group comprises a number of 'illumination devices' of different colors. The rotatable display device represents fixed values adjacent to the award groups and a colored transparent plate adjacent to the indicator generator. These claims read on the invention disclosed by Claypole, a basic slot machine with multiple (pg 2, par 2, line 1) mechanical (pg 6, par 4, line 1) or video (pg 2, par 3, line 1) reels which are adjacent to

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multiple colored "trails along which a user can move dependant upon the points awarded to the user" (pg 2, par 1, line 3).

Claypole wanted "to increase the player's perception that their tactics and skill will result in a greater chance of winning" (pg 1, par 3, line 4) by adding several elements that encourage strategic planning. One of these elements is the multiple colored, Red Blue and Yellow trails of different lengths (pg 9, par 2, line 2) that are also divided into a different number of segments. Each segment on the trail is viewed as an indicator because the player's current position on each trail (pg 6, par 5, line 1) is represented through the illumination of the appropriate square (pg 11, par 3, line 1). Movement through the trail occurs when a user lines up the same symbol along any of the visible horizontal or contribution lines, then those symbols may contribute to there respective trails (pg 2-3, par 6, line 1). Only the reel symbols that have points associated with them (pg 3, par 3, line 1) can grant the player that same number of spaces on the trail (pg 3, par 4, line 1). Therefore, the reels are viewed as an indicator generator. Each trail has a different award on certain positions (pg 9, par 2, line 4) and an ultimate award at the end of the trail (Figure 3, item 1). Since the ultimate awards are on trails of different lengths they would inherently have a different set of odds associated with each other (claims 31, 35-36, 49-50).

Claypole has added another strategic element by giving the player the choice to "hold" a reel and "nudge" a symbol (pg 1, par 3, line 4). Both features allow for the player to contribute their points on two different trails (pg 2, par 5, line 2) (pg 3, par 5, line 2) when they chose too. The "Hold" feature is offered randomly and allows the



player to hold the reel in place for the purpose of causing a match on a contribution line to occur (pg 10, par 2, line 2). "Nudges" are also offered randomly (pg 8, par 4, line 3) which allows the player to add points from a "contribution line A" to any number of contribution lines that are below line A (pg 9, par 1, line 2). In other words, a player could win 4 points on the top most line and decide to "nudge" the points down two levels, giving the next two lines 4 points each as well. Therefore, the slot reels that randomly distribute numbers are viewed as an indicator generator and the ability to

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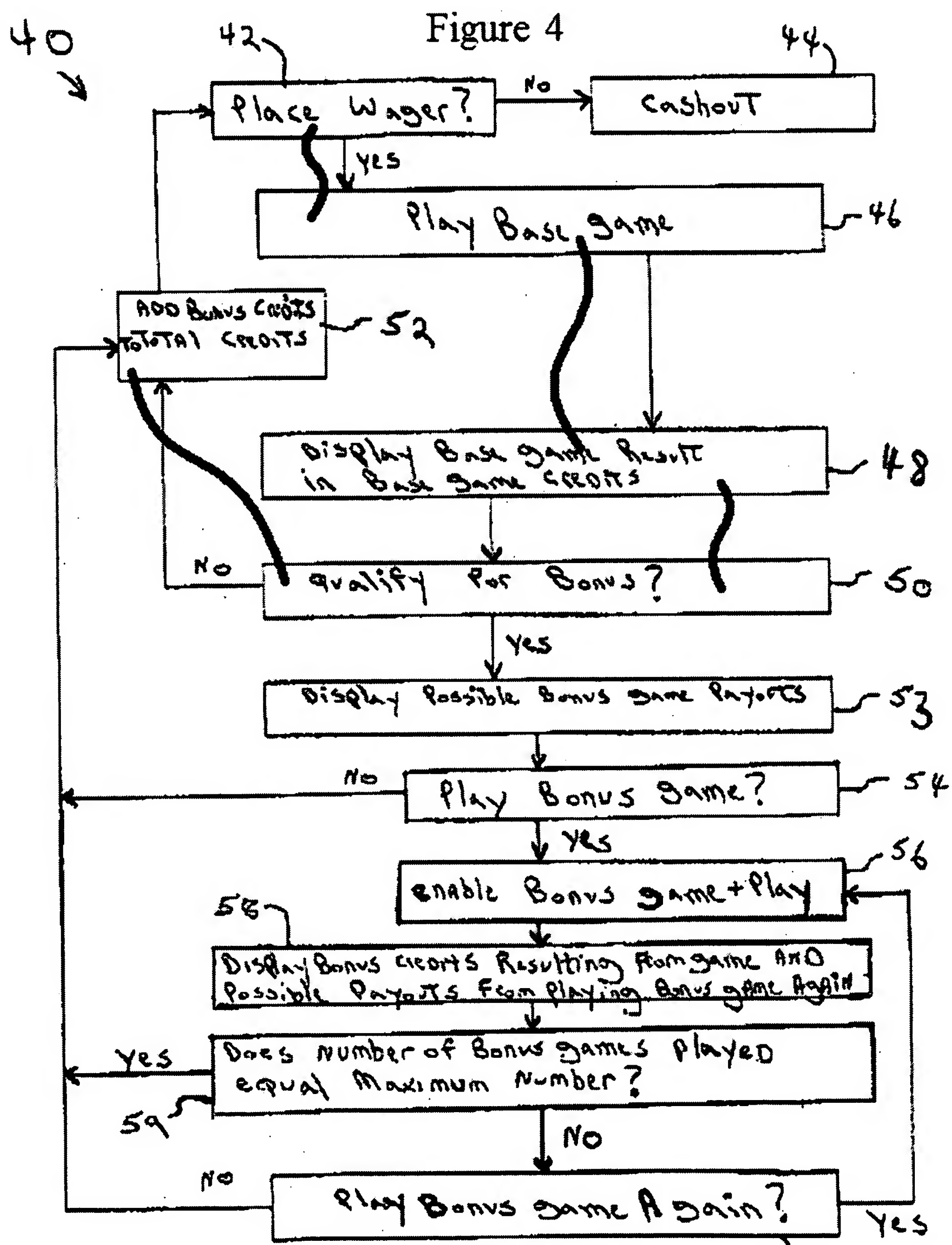
associated these numbers to the multiple award columns of different colored lights or different colored trails of lights is offered to the player randomly (claims 13-14, 27-28, 35-36, 39-40, 49-50, 53-54). Furthermore, an award will now have multiple probabilities associated with it since the slot reels, and when 'Nudges' and 'Hold' are offered all have uncorrelated probabilities.

Referring to claims 5-6, 19-20, 31-32, 45-46, it would be obvious to someone of ordinary skill in the art to determine the 'end of a game' or when to provide an award in Claypole's invention randomly. Other methods for determining the 'end of the game' or when to provide an award are not disclosed by Claypole. Seelig teaches a casino game that determines when to offer the player a choice between a prize or a bonus game based on the wager and a predetermined value (Seelig, claim 33). Figure 4 is a flowchart of the preferred embodiment of Seelig invention (par 36, line 1). The 'Bold Curved Path' illustrates the shortest game a player can experience from beginning to end. The event 'Qualify for Bonus' (Figure 4, item 52) refers to the awarding of a prize or the triggering of a bonus game (par 37, pg 3, line 2) because a predetermined event and/or an accumulation of events were met (par 37, pg 3, line 5). When a player loses in the 'base game' (Figure 4, item 46 & 48) and does not trigger the bonus game, zero credits will be added to 'Total Credits' and 'Bonus Credits' (par 37, pg 3, line 10). If the player has a total of zero credits and decides to not wager any more money then the player has reached the 'end of the game.' Therefore, claims 7-8, 15, 21-22, 29, 33-34, 41, 47-48, 55 are rejected because Seelig teaches how to allow a player to experience



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the awarding of a prize and the 'end of the game' through a method of predetermination based on a wager.





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Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine Seelig's method of award and 'end of the game' determination with Claypole's casino game in order to provide another strategic element that will "increase the player's perception that their tactics and skill will result in a greater chance of winning" (pg 1, par 3, line 4). If the player knew that the odds of winning a prize and losing a game changed every time they won a prize and were based on their wager then this would encourage a player to formulate a strategic plan instead of deciding on 'what to do next' randomly. When the probability of winning the 'ultimate' jackpot increases as you win other prizes then it is left to the player to decide if they are willing to go for the 'ultimate' jackpot while trying to win other prizes or to just try for the smaller prizes (claims 9-10, 23-24).

Lastly, referring to claims 1, 16, 17, 30, 42, 43, and 56 it would be obvious to someone of ordinary skill in the art to program the processor of the game machine to reset the indicators of an award group when the prize is awarded to the player or at the end of a game.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson (US 6,364,766) discloses a game machine with a processor that responses to a wager (Abstract). Yoseloff (US 6,179,711 B1) discloses a method that uses predetermined conditions to determine if the player has won and if they should enter the second segment of the game (Abstract).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 8 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón  
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Art Unit 3714

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TC3700